

**U.S. Department of Justice**

Criminal Division

Appellate Section

Washington, D.C. 20530

April 4, 2024

Hon. Nwamaka Anowi, Clerk
United States Court of Appeals for the Fourth Circuit
Lewis F. Powell Jr. Courthouse
1100 East Main Street, Suite 501
Richmond, VA 23219

Re: *United States v. Randy Price*, No. 22-4609
En banc argument held March 20, 2024

Dear Ms. Anowi:

The United States respectfully submits this letter in response to questions from Judge Richardson at oral argument regarding an ATF report.

In its en banc supplemental brief at 9, the United States cited Part III of the ATF's National Firearms Commerce and Trafficking Assessment for the proposition that, between 2017 and 2021, only 2.5% of guns used in crimes that were submitted to the ATF for tracing had obliterated serial numbers. Price cited the same document in his simultaneous supplemental brief at pages 8-9.

At oral argument, Judge Richardson pointed out that page 33 of the ATF report suggested a far higher number of obliterated firearms submitted to ATF than other parts of the report. The ATF reviewed the report and the underlying data, found that page 33 contained a data presentation error, and reissued the report with corrections made on pages 4 and 33 and noted at endnotes 3 and 16. *See* <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iii-crime-guns-recovered-and-traced-us/download>.

The corrected report shows (at page 5) that, between 2017 and 2021, 2.5% of firearms submitted to the ATF for tracing could not be traced to a purchaser because the serial numbers were partial, incomplete, or obliterated. It shows (at

page 32) that, during the same period, less than 2% of the firearms submitted to the ATF for tracing had serial numbers that were obliterated (and not also partial or incomplete).

The prior and updated versions of the ATF report are attached to this letter, with the changes highlighted in the updated version.

Respectfully submitted,

s/William A. Glaser

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